

87th Legislative Session – 2012

Committee: Senate Judiciary

Tuesday, February 07, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Vehle
P Nygaard
P Hunhoff (Jean)
P Buhl
P Begalka
P Cutler, Vice-Chair
P Tieszen, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Craig Tieszen, Chair.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 2, 2012

Moved by: Buhl
Second by: Hunhoff (Jean)
Action: Prevailed by voice vote.

SB 132: define vehicular homicide and vehicular battery as crimes of violence.

Presented by: Senator Dan Lederman
Proponents: Paul Bachand, SD State's Attorneys Association
Ryan Sage, self, Sioux Falls
Opponents: Jay Davis, self, Rapid City
Jason Glodt, Office of the Governor

MOTION: DEFER SB 132 TO THE 41ST LEGISLATIVE DAY

Moved by: Begalka
Second by: Buhl

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Vehle, Nygaard, Hunhoff (Jean), Buhl, Begalka, Cutler, Tieszen

SB 135: revise the elements of the crimes of vehicular homicide and vehicular battery.

Presented by: Senator Dan Lederman

Proponents: Ryan Sage, self, Sioux Falls

Paul Bachand, SD State's Attorneys Association

Opponents: Jay Davis, self, Rapid City (Handout: #1)

Roger Tellinghuisen, SD Trial Lawyers Association

Jason Glodt, Office of the Governor

MOTION: DEFER SB 135 TO THE 41ST LEGISLATIVE DAY

Moved by: Cutler

Second by: Buhl

Action: Prevailed by roll call vote. (5-2-0-0)

Voting Yes: Vehle, Nygaard, Hunhoff (Jean), Buhl, Cutler

Voting No: Begalka, Tieszen

SB 133: establish the criminal offense of aggravated disorderly conduct and to provide a penalty therefor.

Presented by: Senator Dan Lederman

Proponents: James Heeren, self, North Sioux City

Bill Pappas, self, North Sioux City

Paul Bachand, SD State's Attorneys Association

Yvonne Taylor, SD Police Chiefs Association

Opponents: Roger Tellinghuisen, SD Trial Lawyers Association

Lindsey Riter-Rapp, SD Association of Criminal Defense Lawyers

Jason Glodt, Office of the Governor

MOTION: DEFER SB 133 TO THE 41ST LEGISLATIVE DAY

Moved by: Cutler

Second by: Buhl

Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Vehle, Nygaard, Hunhoff (Jean), Buhl, Cutler, Tieszen

Voting No: Begalka

SB 134: establish or revise the elements of the criminal offenses of obstructing an officer, refusing the lawful order of a law enforcement officer, and fleeing the scene of a potential investigation, and to provide penalties therefor.

Presented by: Senator Dan Lederman

Proponents: James Heeren, self, North Sioux City

Senator Tieszen, Chair recessed the meeting at 9:50 a.m. and reconvened the meeting at 12:20.

Proponents continued:

Opponents: Paul Bachand, SD State's Attorneys Association
Jason Glodt, Office of the Governor
Lindsey Riter-Rapp, SD Association of Criminal Defense Lawyers

MOTION: DEFER SB 134 TO THE 41ST LEGISLATIVE DAY

Moved by: Cutler
Second by: Buhl
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 134

134ra

On page 2 of the printed bill, delete lines 6 to 17, inclusive.

Moved by: Vehle
Second by: Begalka
Action: Failed by roll call vote. (2-5-0-0)

Voting Yes: Vehle, Begalka

Voting No: Nygaard, Hunhoff (Jean), Buhl, Cutler, Tieszen

MOTION: DEFER SB 134 TO THE 41ST LEGISLATIVE DAY

Moved by: Cutler
Second by: Buhl
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Vehle, Nygaard, Hunhoff (Jean), Buhl, Cutler, Tieszen

Voting No: Begalka

SB 183: establish the elements of the offense of juvenile sexting and to provide a penalty therefor.

Presented by: Senator Mike Vehle
Proponents: W. Jesse Weins, self, Mitchell

THE CHAIR DEFERRED SB 183 UNTIL THURSDAY, FEBRUARY 9, 2012

THE CHAIR DEFERRED SB 146 UNTIL THURSDAY, FEBRUARY 9, 2012

MOTION: ADJOURN

Moved by: Buhl
Second by: Cutler
Action: Prevailed by voice vote.

Rena Ortbahn
Committee Secretary

Craig Tieszen, Chair